

EXHIBIT 7

SECTION B
Statement of Case

CFR, Title 14 Regulations Violated:

Section 105.45(a)(1)(iv) Federal Aviation Regulations violated by Rob Pooley (who performed a tandem course at Parachute Center, Acampo, Ca, and allowed a Mr. Yonghyeon Kwon to perform a tandem parachute operation with a Mr. Tyler Turner, when Mr. Kwon was not USPA licensed and not U.P.T tandem rated.

In which both men were fatally injured.

Rob Pooley performed a tandem course that Mr. Kwon attended, when Mr. Pooley's USPA Instructor and examiners rating was suspended by the USPA since July 2015 and was not authorized to conduct tandem courses. Federal Aviation Regulations violation, 105.45(a)(1)(iv), Kwon had not successfully completed a tandem instructor course given by the manufacturer or a course acceptable to the Administer. And had not been certified by the appropriate parachute manufacture.

Federal Aviation Regulations, §1570.5 (a) & (b), Fraud and intentional falsification of records violated by Rob Pooley.

Mr. Dause provided the Federal Aviation Administration investigator with Mr. Kwon's USPA and U.P.T. application document copies under false pretenses. With forged signatures dated July 1, 2016 of **Y.G.** who was in Russia from May 26, 2016 to August 2, 2016 and did not/could not have signed the USPA/U.P.T. documents. Rob Pooley had some initials on these documents.

Robert Allen Pooley

2016WP2700067

The purpose of this Enforcement Investigation Report (EIR) is to prove that Mr. Rob Pooley allowed a Mr. Yonghyeon Kwon to perform a tandem parachute operation with a Mr. Tyler Turner, when Mr. Kwon was not USPA licensed and not U.P.T tandem rated. In which both men were fatally injured.

Rob Pooley performed a tandem course that Mr. Kwon attended, when Mr. Pooley's USPA Instructor and examiners rating was suspended by the USPA since July 2015 and was not authorized to conduct tandem courses. Federal Aviation Regulations violation, 105.45(a)(1)(iv), Kwon had not successfully completed a tandem instructor course given by the manufacturer or a course acceptable to the Administer. And had not been certified by the appropriate parachute manufacture.

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On August 6, 2016 Federal Aviation Administration's (FAA) Oakland Flight Standards District Office (FSDO, WP-27) Front Line manager Prater received report of a double fatality tandem parachute accident at Parachute Center, Lodi, Ca. and assigned Inspector Jensen to investigate (IOP # 1).

On August 8, 2016 inspector Jensen interview Y.G. Record of conversation with Y.G.
(IOP # 2)

On August 9, 2016 inspector Jensen interviewed Rob Pooley. Record of conversation with Rob Pooley (IOP # 3)

August 17, 2016 received San Joaquin Sheriffs Coroner's office tandem accident report. (IOP #5).
Y.G. passport stamps in Russia (IOP # 4)

September 7, 2016 Inspector Jensen completed tandem incident investigation and closed Federal Aviation Administration's Incident report 8020-23 with Federal Aviation Regulations (FAR) 105.45(a)(1)(iii), (iv) & (v) and §1570.5 (a) & (b) violated (IOP # 5).

September 7, 2016 Inspector Jensen completed investigation and closed Federal Aviation Administration's FAA Order 1380.51, Program Tracking and Reporting System (PTRS) with Enforcement Investigation Report (EIR) opened on FAR's 105.45(a)(1)(iii), (iv) & (v) and §1570.5 (a) & (b) violated (IOP # 6).

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On September 7, 2016 FAA Oakland FSDO Aviation Safety Inspector (ASI) David T. Jensen was assigned the EIR # 2016WP270067 (IOP # 7).

Video and pictures of the Kwon/Turner tandem jump from cameraman, a Russian with English name of Denys Somin (who does not speak English) video is from exiting aircraft until Mr. Somin had to deploy his own parachute at approximately 2000 feet. This video evidence proved to be very valuable on knowing what exactly happened with the jump event sequencing issues (IOP # 8).

On September 27, 2016 FAA Oakland FSDO inspector Jensen sent a certified Letter of Investigation (LOI) including Privacy Act Notice to Robert Allen Pooley (IOP # 9).

USPA applications for Mr. Yonghyeon Kwon that shows Mr. Kwons credit card information and signatures. It appears paperwork was ready to be sent to USPA and/or U.P. T. Sigma for his varies membership, certificates and the most important is the Tandem Instructor RAating Course Proficiency Card application. This is the card needed to perform tandem parachute operations with public (Tyler Turner).

This application has a date of 7/1/16 and this is when **Y.G.** was in Russia (IOP #10).

USPA tandem students recall statement (IOP # 11)

Robert Allen Pooley

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This Enforcement Investigation revealed the following facts:

Rob Pooley performed a tandem course that Mr. Kwon attended, when Mr. Pooley's USPA Instructor and examiners rating was suspended by the USPA since July 2015 and was not authorized to conduct tandem courses.

Rob Pooley allowed a Mr. Yonghyeon Kwon to perform a tandem parachute operation with no emergency procedure training.

This FAR violation is a very serious safety issue and caused the death of Yonghyeon Kwon and Tyler Turner. Also, could have caused injury and damage, not only to the aircraft and other parachutists but to people and property on the ground.

Inspector Jensen had contacted and interview Rob Pooley, for his statements, opinion or cooperation in this Investigation.

Rob Pooley stated his USPA examiners rating was suspended by the USPA since July 2015 and was not authorized to conduct tandem courses.

Inspector Jensen had contacted and interview Y.G. , for his statements, opinion or cooperation in this Investigation.

Y.G. stated he was in Russia from May 26, 2016 to August 2, 2016 and did not/could not have signed the USPA/U.P.T. documents. And Y.G. submitted his passport that shows he was in Russia.

Robert Allen Pooley

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SECTION B

Factors Affecting Sanction

Nature of Violation:

Rob Pooley demonstrated recklessness, carelessness and lack of concern for life or property performing no emergency procedure training to Yonghyeon Kwon who was performing tandem parachute operation with Tyler Turner and knowing Mr. Kwon was not USPA licensed and not U.P.T tandem rated.

Violation—Inadvertent or Intentional:

Intentional with admission.

Level of Experience:

High.

Violator's Attitude:

Not Applicable.

Degree of Hazard / Safety Involvement & Impact:

Very high degree of Hazard and Safety Impact.

Action Taken by Employer or Other Authority:

Mr. Pooley was fired from the Jump Center owner Bill Dause on Aug 6th after the tandem Incident fatalities.

US Attorney's Office and San Joaquin Attorney's office has opened an investigation for possible further criminal charges.

Use of a Certificate:

USPA examiners rating was suspended by the USPA since July 2015 and any other USPA certificates were suspended Sept 1, 2016. Mr. Pooley holds a Commercial Pilot Certificate 3447990.

Violator's Enforcement History:

Yes, airman has disciplinary action history from USPA.

Decisional Law:

To be determined by Regional Counsel.

Ability to Absorb Sanction:

Unknown.

Robert Allen Pooley

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Consistency of Sanction:

To be determined by determined by Regional Counsel.

Whether the Violation was Reported Voluntarily:

Not Applicable.

Corrective Action:

Not Applicable.

Other Information:

Reliability of Evidence:

The evidence in this report is considered material and relevant proving the violation occurred.

Conflicting Evidence:

No conflicting evidence is apparent in this case.

Mitigating, Aggravating, and Extenuating Circumstances:

Not Applicable.

Opinions, Feelings & Conjecture:

Rob Pooley had to have known the seriousness of this safety issue and how dangerous it is to allow tandem skydiving operations without proper certification.

Demonstrated Lack of Qualification:

Not Applicable.

Summarized Conclusion & Recommended Sanction:

Inspector Jensen recommends maximum civil penalty.

Robert Allen Pooley

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SECTION C
Items of Proof

- IOP #1: Report of a double fatality tandem parachute accident at Parachute Center, Lodi, Ca
- IOP #2: Record of conversation with Y.G.
- IOP #3: Record of conversation with Rob Pooley.
- IOP #4: San Joaquin Sheriffs Coroner's office tandem accident report.
- IOP #5: Inspector Jensen tandem incident investigation report form 8020-23.
- IOP #6: Inspector Jensen tandem investigation written PTRS report.
- IOP #7: Inspector Jensen assigned the EIR # 2016WP270067.
- IOP #8: Video and pictures of the Kwon/Turner tandem jump from cameraman.
- IOP #9: LOI dated September 27, 2016 with Privacy Act Noticed to Curtis Allen Bates.
- IOP # 10: USPA applications for Mr. Yonghyeon Kwon that shows date of 7/1/16 and when Y.G. was in Russia.
- IOP # 11: USPA tandem students recall statement.

Robert Allen Pooley

2016WP2700067



U.S. Department
of Transportation
**Federal Aviation
Administration**

Oakland Flight Standards District Office

1420 Harbor Bay Parkway, Ste 280
Alameda, CA 94502-7083
Telephone: (510) 748-0122
Facsimile: (510) 748-9559

September 27, 2016 EIR Number 2016WP270067

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Robert Allen Pooley
23597 N HWY 99
Acampo, CA 95220

Dear Mr. Pooley:

Personnel from this office are investigating the tandem parachute operation incident that involved the fatalities of tandem instructor Yonghyeon Kwon from South Korean and student/passenger Tyler Turner from Los Banos, Ca. on August 6, 2016.

This operation is contrary to Title 14 of the Code of Federal Aviation Regulations (14 CFR).

- Instructed a tandem course that Mr. Kwon attended, when USPA Instructor and examiners rating suspended by the USPA since July 2015 and was not authorized to conduct tandem courses.
- Mr. Kwon's USPA and U.P.T. application document copies dated July 1, 2016 have signatures of **Y.G.** who was in Russia from May 26, 2016 to August 2, 2016 and did not/could not have signed the USPA/U.P.T. documents.

This letter is to inform you that this matter is under investigation by the Federal Aviation Administration (FAA). In accordance with the Pilot's Bill of Rights (PBR), we are informing you that:

- (1) The nature of this investigation is to determine violation of the Federal Aviation Regulations, and if so, what, if any, enforcement action should be taken.*
- (2) Oral or written response to this Letter of Investigation (LOI) is not required, and no action can be taken or adverse inference made against you for declining to respond to this LOI.*
- (3) Any response by you to this LOI or to an inquiry made by a representative of the FAA Administrator may be used as evidence against you.*
- (4) If this investigation results in a legal enforcement action against your Airman Certificate, the releasable portions of the Administrator's investigative report will be made available to you upon your written request addressed to the FAA's legal counsel handling the enforcement action.*

We would appreciate receiving any evidence or statements you might care to disclose regarding this incident within 10 days of receipt of this letter. Any discussion and/or written statements furnished by you will be given consideration in our investigation. If we do not hear from you within the specified time, our report will be processed without the benefit of your statement.

Sincerely,

David Jensen
Aviation Safety Inspector
Oakland - Flight Standards District Office

CONCURRENCES
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Enclosure
Privacy Act Notice

PRIVACY ACT NOTICE

Privacy Act Notice

This notice is provided in accordance with Section (e)(3) of the Privacy Act, 5 U.S.C. Section 552a(e)(3), and concerns the information requested in the correspondence or form with which this notice is enclosed.

A. Authority: This information is solicited pursuant to 49 U.S.C. § 40113(a) and the regulations issued under that statutory provision codified in 14 CFR part 13, Investigative and Enforcement Procedures.

B. Principal purposes:

1. The request for information is intended to provide you with an opportunity to participate in the investigation of an apparent deviation from the Federal Aviation Regulations, or other statutes, standards, or procedures.
2. The requested information will be used to help determine the root cause(s) of the subject event, identify safety concerns, and determine whether or not there has been a deviation from the Federal Aviation Regulations or other statutes, standards, or procedures, and if so, what, if any, action should be taken. The requested information will be used for safety risk assessment and risk mitigation, and for finding and fixing safety issues in the National Airspace System (NAS).

C. Routine uses: Records from this system of records may be disclosed in accordance with the following routine uses that appear in Department of Transportation (DOT)/FAA 847, Aviation Records on Individuals (current edition), available at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notice>:

1. To provide basic Airman Certificate and qualification information to the public upon request.
2. To disclose information to the National Transportation Safety Board (NTSB) in connection with its investigation responsibilities.
3. To provide information about airmen to Federal, State, and local law enforcement agencies when engaged in the investigation and apprehension of drug law violators.
4. To provide information about actions arising out of apparent deviations from the Federal Aviation Regulations or other statutes, standards, or procedures to government agencies, the aviation industry, and the public upon request.
5. To disclose information to another Federal agency, or to a court or an administrative tribunal, when the government or one of its agencies is a party to a judicial proceeding before the court or involved in administrative proceedings before the tribunal.

D. Effect of failure to respond: Submission of information is voluntary. The FAA cannot impose any penalties upon you if you choose not to respond to this information request. If you choose not to respond, however, the FAA will make determinations about possible action for this matter without the benefit of your comments.

Record of Conversation

Date: August 25, 2016

Time: Approximately 12 noon.

With whom: Robert Pooley, Tandem Instructor at Parachute Center, Lodi, Ca.

Regarding: Tandem Incident of Mr. Yonghyeon Kwon performing a tandem parachute operation with a Mr. Tyler Turner at the Lodi Jump Center.

Contact made with Robert Pooley at the Lodi Jump Center.

Asked Mr. Pooley about Mr. Yonghyeon Kwon USPA documents that appeared completed by himself and Y.G. with a date of 7/1/16 on Mr. Kwon's Tandem proficiency Card application, when Mr. Y.G. was in Russia at this date. Mr. Pooley had no answer except that he stated Bill Dause handles all the paperwork.

Asked Mr. Pooley about his USPA examiners rating being suspended by the USPA since July 2015 and was not authorized to conduct tandem courses.

Mr. Pooley had known of this suspension and had no answer except that he stated he figured it would be automatically reinstated after a years' time.

Record of Conversation

Date: September 1, 2016

Time: Approximately 11 am.

With whom: **Y.G.**

Regarding: Tandem Incident of Mr. Yonghyeon Kwon performing a tandem parachute operation with a Mr. Tyler Turner at the Lodi Jump Center.

Contact made with Mr. **Y.G.** at the Lodi Jump Center.

Mr. **Y.G.** who stated he was in Russia from May 26, 2016 to August 2, 2016 and did not/could not have signed the USPA/U.P.T. documents that Bill Dause provided. Mr. **Y.G.** stated the USPA/U.P.T. documents for Mr. Kwon were falsified and/or forged and was very upset about this.

Received pictures of Mr. **Y.G.** passport with stamp dates leaving 5/26/16 and returning date 8/2/16.